

NB:SPN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

IN CLERK'S OFFICE  
DISTRICT CLERK, E.D.N.Y.

JAN 17 2013

13-0035MJ

LONG ISLAND DISTRICT

UNITED STATES OF AMERICA

-against-

ANGEL M. RIVAS,

Defendant.

COMPLAINT AND AFFIDAVIT  
IN SUPPORT OF AN  
APPLICATION FOR AN  
ARREST WARRANT

(18 U.S.C. § 39A)

EASTERN DISTRICT OF NEW YORK, SS:

SHAWN T. RUSSELL, being duly sworn, deposes and states that he is a Task Force Officer assigned to the Federal Bureau of Investigation's ("FBI") Joint Terrorism Task Force ("JTTF") at J.F.K International Airport, duly appointed according to law and acting as such.

Upon information and belief, on or about August 21, 2012, the defendant ANGEL M. RIVAS did knowingly aim the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States.

(Title 18, United States Code, Section 39A)

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

<sup>1/</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of

1. I have been an FBI JTTF Task Force Officer for approximately eight years. As part of my duties, I am charged with investigating violations of laws of the United States, including crimes against transportation systems and interference with flight crews. I am familiar with the facts and circumstances set forth below from my direct participation in the investigation, conversations with other law enforcement agents, and review of documents and reports.

2. On or about August 21, 2012, at approximately 8:36 p.m., Suffolk County Patrol Officer Matthew Dewitt ("PO Dewitt") was dispatched to investigate reports that a laser beam emanating from the area of the Brookhaven Airport in Shirley, New York, had been directed at a commercial airliner and a Suffolk County Police Department ("SCPD") helicopter. A SCPD aviation unit indicated that the beam came from a location north of the intersection of Flowerhill Drive and William Floyd Parkway. The unit subsequently confirmed that the beam came from the vicinity of the residence at 1383 William Floyd Parkway, Shirley, New York.

3. Defendant ANGEL M. RIVAS resides at 1383 William Floyd Parkway.

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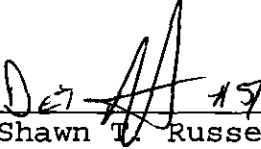
which I am aware.

4. During an interview with PO Dewitt on August 21, 2012, defendant ANGEL M. RIVAS denied that he had pointed the laser pointer at the aircraft.

5. On or about January 4, 2013, PO Dewitt responded to a disturbance call at a Quick Stop convenience store located at 132 Colin Drive in Shirley, New York. Defendant ANGEL M. RIVAS approached PO Dewitt and identified himself as the man PO Dewitt had interviewed in August regarding a laser-pointing incident. Defendant RIVAS stated, in substance and in part, that he had shined the laser beam at the aircraft.

6. Later on January 4, 2013, during an interview with PO Dewitt, defendant ANGEL M. RIVAS was advised of his Miranda rights both orally and in writing. RIVAS voluntarily waived his Miranda rights, orally and in writing, and made a sworn, written statement. Defendant RIVAS stated, in substance and in part, that at approximately 8:30 p.m. on the night of August 21, 2012, he used a laser-pointer to direct a laser beam at an airplane and a helicopter flying overhead.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for defendant ANGEL M. RIVAS so that he may be dealt with according to law.

  
Shawn T. Russell  
Detective  
Port Authority Police Department

Sworn to before me this  
17th day of ~~September 1972~~  
/S/ E. Thomas Boyle, MJ

HON. E. THOMAS BOYLE  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK